



## Fiscal Estimate Narratives

DOJ 4/3/2009

LRB Number	09-0909/1	Introduction Number	AB-0031	Estimate Type	Original
<b>Description</b> Authorizing the circuit court to order a person who engages in discrimination in employment to pay compensatory and punitive damages and a surcharge and making an appropriation					

### Assumptions Used in Arriving at Fiscal Estimate

2009 Assembly Bill 31 creates s. 111.397, providing that a person discriminated against, or the Department of Workforce Development, may bring an action in circuit court against an employer for a violation of s. 111.321, relating to employment discrimination.

The Department of Justice has a Civil Litigation Unit in its Division of Legal Services. Among other things, the Civil Litigation Unit represents state agencies and the University of Wisconsin in a variety of employment law matters. This unit provides the defense to the state when it is sued as an employer under state or federal law. It also enforces state labor standards laws upon referral from the Wisconsin Department of Workforce Development, advises and represents the Department of Employee Trust Funds on retirement and benefit matters, and represents administrative agencies when their employment-related decisions are challenged in court.

If AB 31 becomes law, the Department of Justice will defend the state when it is sued as an employer for violations of s.111.321. DOJ estimates that the Civil Litigation Unit will require one additional Assistant Attorney General and one additional paralegal to handle the increased caseload resulting from these new legal defense responsibilities. The total cost of salaries, fringe benefits, supplies, and equipment for one assistant attorney general and one paralegal is approximately \$181,000 annually.

Also, since AB 31 authorizes DWD to bring circuit court actions against employers for violations of s. 111.321, DOJ may provide legal services to DWD in cases where DWD is the plaintiff. If the number of cases in which DOJ prosecutes, rather than defends, violations of s. 111.321 is significant, DOJ will require further additional resources.

### Long-Range Fiscal Implications

## Fiscal Estimate - 2009 Session

☒ Original      ☐ Updated      ☐ Corrected      ☐ Supplemental

<b>LRB Number</b> <b>09-0909/1</b>		<b>Introduction Number</b> <b>AB-0031</b>	
<b>Description</b> Authorizing the circuit court to order a person who engages in discrimination in employment to pay compensatory and punitive damages and a surcharge and making an appropriation			
<b>Fiscal Effect</b>			
<b>State:</b>			
<input type="checkbox"/> No State Fiscal Effect			
<input type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input checked="" type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="text-align: right;"><input type="checkbox"/> Yes      <input type="checkbox"/> No</div>	
		<input type="checkbox"/> Decrease Costs	
<b>Local:</b>			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input checked="" type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<div style="display: flex; justify-content: space-between;"><span><input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory</span><span><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</span></div>		5. Types of Local Government Units Affected	
2. <input type="checkbox"/> Decrease Costs		<div style="display: flex; justify-content: space-between;"><span><input checked="" type="checkbox"/> Towns</span><span><input checked="" type="checkbox"/> Village</span><span><input checked="" type="checkbox"/> Cities</span></div>	
<div style="display: flex; justify-content: space-between;"><span><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</span><span><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</span></div>		<div style="display: flex; justify-content: space-between;"><span><input checked="" type="checkbox"/> Counties</span><span><input type="checkbox"/> Others</span></div>	
4. <input type="checkbox"/> Decrease Revenue		<div style="display: flex; justify-content: space-between;"><span><input checked="" type="checkbox"/> School Districts</span><span><input checked="" type="checkbox"/> WTCS Districts</span></div>	
<div style="display: flex; justify-content: space-between;"><span><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</span><span><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</span></div>			
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b>			
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.445(1)(a)			
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	
DWD/ Robert Anderson (608) 266-3345		Hector Colon (608) 266-2284	
		<b>Date</b>	
		2/17/2009	

## Fiscal Estimate Narratives

DWD 2/17/2009

LRB Number	09-0909/1	Introduction Number	AB-0031	Estimate Type	Original
<b>Description</b> Authorizing the circuit court to order a person who engages in discrimination in employment to pay compensatory and punitive damages and a surcharge and making an appropriation					

### Assumptions Used in Arriving at Fiscal Estimate

This bill permits a person who has been discriminated against under the Wisconsin Fair Employment Law to bring an action in circuit court to recover compensatory and punitive damages from the party that discriminated against them. The bill also permits the department to sue the discriminating party in circuit court to collect these damages. If damages are awarded in court the court will also charge the discriminating party a surcharge equal to 10% of the damages awarded. This surcharge is ultimately to be paid to the department to be used for enforcement of the Fair Employment Law.

The department anticipates that fewer than 10 cases per year will actually be litigated in circuit court each year and that the surcharge awarded in these cases will generate no more than \$5,000 annually in revenue for the department.

The department doesn't anticipate passage of this bill would result in any increased workload for the department.

The department will incur one-time costs of about \$2,000 to reprint informational brochures on the Fair Employment Law to include information on the provisions of this bill.

Since some discrimination cases are filed against local government units the department anticipates that in a few of those cases local governments will be sued in court and, if the claimant prevails, the local government may be assessed damages. It is not possible, however, to quantify the potential costs local government units may face.

### Long-Range Fiscal Implications

There are no expected long-range fiscal implications for the department.

## Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-0909/1</b>		<b>Introduction Number</b> <b>AB-0031</b>	
<b>Description</b> Authorizing the circuit court to order a person who engages in discrimination in employment to pay compensatory and punitive damages and a surcharge and making an appropriation			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>  The department will incur about \$2,000 in costs to rewrite and print various informational brochures on the Fair Employment Law to include information on the provisions of this bill.			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes	\$0	\$0	
(FTE Position Changes)	(0.0 FTE)	(0.0 FTE)	
State Operations - Other Costs	0	0	
Local Assistance	0	0	
Aids to Individuals or Organizations	0	0	
<b>TOTAL State Costs by Category</b>	<b>\$0</b>	<b>\$0</b>	
<b>B. State Costs by Source of Funds</b>			
GPR	0	0	
FED	0	0	
PRO/PRS	0	0	
SEG/SEG-S	0	0	
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
	Increased Rev	Decreased Rev	
GPR Taxes	\$0	\$0	
GPR Earned	0	0	
FED	0	0	
PRO/PRS	0	0	
SEG/SEG-S	0	0	
<b>TOTAL State Revenues</b>	<b>\$0</b>	<b>\$0</b>	
<b>NET ANNUALIZED FISCAL IMPACT</b>			
	State	Local	
NET CHANGE IN COSTS	\$0	\$	
NET CHANGE IN REVENUE	\$0	\$	
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
DWD/ Robert Anderson (608) 266-3345		Hector Colon (608) 266-2284	2/17/2009